

# Los Angeles County Probation Oversight Working Group

## DRAFT

Working Document: Executive Summary; Mission/Vision; Findings; and  
Recommendations **version 11-4-16**

## EXECUTIVE SUMMARY

### **I. The Working Group Recommends that the Board of Supervisors take the Following Actions with Respect to Existing Oversight Entities:**

- A. **Sybil Brand:** Terminate the Sybil Brand Commission's oversight responsibilities over the Probation Department.
- B. **Civil Grand Jury:** Require the Civil Grand Jury to submit all of its reports to the new Probation Oversight Commission as well as to the Board of Supervisors.
- C. **Auditor-Controller DOJ Project:** Terminate the Auditor-Controller DOJ Project's primary oversight responsibilities over Probation.
- D. **Probation Commission:** Sunset the existing Probation Commission, and assign its function and responsibilities to the new Probation Oversight Commission, pursuant to a change in the Welfare and Institutions Code. Pending a statutory change, revamp the existing Probation Commission: reduce its membership to seven members; charge it with advising the new Chief with respect to the development of and compliance with a new strategic plan for the Department; and, restructure the reporting authority such that the Probation Commission reports to the new Probation Oversight Commission.
- E. **Inspector General:** Create an Inspector General's office exclusively for the new Probation Oversight Commission. Do not merge this office with the Inspector General for the Sheriff's Department. Give this office subpoena power and investigative power.
- F. **Ombudsman:** Move the Ombudsman out from under the Probation Department, and relocate this position within the IG's office where it will be entirely independent of Probation.

### **II. The New Probation Oversight Commission Should Address the Following Investigative, Monitoring and Enforcement Needs:**

- A. Oversee Inspections, Report Results, and Timely Follow-Up

- B. Include a Separate IG's Office Exclusively for POC that includes Subpoena Power, Investigative Power, and Counsel
- C. Hire or Contract with Community Advocates, Youth and Family Advocates for Inclusion on Investigative Teams
- D. Oversees Grievance Process

### **III. POC Must Ensure Distinct Treatment of Juveniles and Adults**

- A. Single Oversight Commission Should include Subject Matter Experts in Juvenile and Adult Probation
- B. Recommend Split in the Department
- C. If Split Deemed Unfeasible, Recommend Juvenile Division Based on Youth Development Model

### **IV. Authority, Responsibility, and Structure of the POC**

#### **A. Authority of the POC**

- 1. Resources, Professional Staff, Dedicated Office Space
- 2. Enforcement Mechanism
- 3. Budget Oversight
- 4. Oversight Over the JJCC
- 5. Oversight of JJCPA Funding
- 6. Access to Files
- 7. Powers of a JJC, pursuant to WIC 229 and a change in 240
- 8. Powers of a DPC, pending a change in the WIC

#### **B. Responsibilities of the POC**

- 1. Voting Member of CCJCC
- 2. Oversee Hiring, Training, and Evaluation
- 3. Oversee Resource Allocation
- 4. Oversee Treatment of "At Risk" Youth
- 5. Oversee Reentry Services
- 6. Oversee Capital Improvements
- 7. Make Policy Recommendations
- 8. Oversee Data Collection, Reporting, and Use

#### **C. Structure of the POC**

- 1. Independent of Probation Department
- 2. One POC with separate juvenile and adult subcommittees
- 3. IG for Probation oversees juvenile and adult monitoring.

#### **D. Composition and Qualifications of Commissioners**

- 1. Eleven Commissioners shall include representation from
  - i. Health care / Mental health
  - ii. Law enforcement or Probation separated by at least 12 months
  - iii. Formerly Incarcerated person and/or under supervision or custody within the Probation system.

- iv. Family member of formerly incarcerated person and / or under supervision
- v. Educator .... juvenile court school and adult education and / or community college experience
- vi. Judiciary ... former adult
- vii. Judiciary ... former juvenile court judge
- viii. Academic subject matter expert in Probation Criminal justice issues - researcher
- ix. Juvenile Justice expert - advocate or community organizer
- x. Substance abuse expert
- xi. Community-based organization / advocate / civil rights community leader (including restorative justice, faith-based)

## 2. Diversity and Cultural Representation on the Commission

Commissioners shall reflect diversity within the community, and shall include a mix of racial and ethnic diversity, gender diversity, LGBTQ representation,

### **E. Appointment Process**

The Board of Supervisors appoints 5 commissioners, after which an independent consultant narrows down remaining candidates, and gives those to the justice deputies who approve 4 more commissioners. Then the body of nine commissioners selects 2 more, for a total of 11 commissioners on the POC.

### **F. Terms of Appointment ...**

### **G. Commission will Write Its Own By-Laws**

### **H. Commissioners will sign financial disclosures**

### **I. Commissioners will receive Stipend and Compensation *as Determined by...?***

## **MISSION**

The mission of the Los Angeles County Civilian Probation Oversight Commission is to restore public trust in, and ensure that professionalism and best practices are used throughout the Los Angeles County Probation Department in custodial and non-custodial settings. The Commission shall oversee and monitor all aspects of the Department, including hiring, education and training, policies, practices, procedures, culture, field and custody field operations to ensure improved:

- Transparency
- Accountability
- Positive morale
- Implementation of the Oversight Working Group recommendations
- Adherence to best practices for juvenile and adult probationers
- Effective use of resources
- Collaboration with relevant agencies, organizations, and the community
- Enhancement of public safety
- Preservation of victims' rights, and
- Ongoing development of positive change

## **VISION**

The Los Angeles County Civilian Probation Oversight Commission shall oversee the Probation Department's adherence to its legal mandates and mission; promote fairness, effectiveness, and efficiency within the Department; provide advice to the Chief of Probation and the Board of Supervisors; and, facilitate internal and external communication and transparency and accountability.

## **FINDINGS**

### **1. Probation Needs a Clear Mission and Consistent Leadership**

The Probation Department lacks a clear mission that drives its practice (aside from laws and mandates). This void can be felt throughout the department; as a result, Probation ends up getting pushed and pulled in different directions, and being reactive, as opposed to working proactively towards clear, well-understood department goals. The Department needs a recognized and accepted guiding philosophy to inform its decisions and actions. The Oversight Commission should

work to ensure development of and compliance with a clear mission and strategic plan that is felt throughout the Department.

**2. There is a Lack of Communication Between Oversight Entities.**

The lack of coordination and clear lines of communication between the multiple, various entities charged with overseeing the Probation Department makes oversight efforts futile, and renders the Department susceptible to critiques, and even lawsuits. Communication must be improved between and among existing probation oversight entities.

**3. The Oversight Commission Should Streamline Information, Recommendations, and Requests to Probation**

Numerous different individuals, departments, and oversight bodies currently request information from Probation. These requests are often duplicative, and lead to an unnecessary expenditure of Probation time and resources that are required to respond to repetitive questions from multiple agencies, and to generate reports. A single oversight body should have the authority to compile inquiries and requests for information; receive information and reports from all citizen oversight or advocacy groups; evaluate information; and, synthesize duplicative requests and/or repetitive concerns. This single oversight body should be the sole entity to which Probation must respond to requests for information. Such streamlining will also likely save County resources.

**4. The Commission Should Facilitate Implementation of Recommendations**

There is a lack of follow-through for current oversight reports and recommendations. Many recommendations seem to fall into a “black hole,” and the existing oversight entities lack the capacity to compel implementation. An effective oversight commission should ensure that Probation develops strategic and work action plans that incorporate continued review and improvement based on data and outcomes. The oversight commission should also work to facilitate multidisciplinary interaction and communication to implement recommendations.

**5. Need for Rigorous Evaluation**

There should be a thorough, constructive, “friendly” 360 evaluation of all departments, individuals, and agencies involved in probation. Currently, judges, and many other stakeholders are not evaluated in a meaningful, constructive way, and they should be to promote ongoing improvements of the system.

**6. The Probation Department Should Build on Probationers’ Strengths**

There is a need for a greater strengths-based approach throughout the County for both adult and juvenile supervision.

**7. The Services Integration Branch is Inadequate to Handle the Follow-Through.**

The County Service Integration Branch (SIB) was organized to coordinate county services for children by enacting the following strategies: 1) developing and implementing client-centered approaches for integrated services; 2) promoting information sharing; 3) increasing cost avoidance strategies that yield improved service outcomes; 4) enhancing partnerships with community-based organizations; and 5) maximizing existing resources and program effectiveness through program evaluation and improved data management.

County services are siloed and non-integrated; communication between/among departments and agencies is fragmented; data is difficult to access; program effectiveness and evaluation is inconsistent. SIB is reactive demonstrated by project based interventions on a case by case basis as determined by BOS directives. The SIB has no continued reviews, updates or evaluation of outcomes built into their recommendations thereby there is no measure of successful/effective implementation and outcomes. Once SIB has developed strategies to improve integrated services the plan is handed off to the affected county department for implementation with no documented follow up.

Integrative methodologies must be incorporated in the strategic countywide plan. In order to achieve the vision of the SIB and the coordination and integration of countywide services for youth and families, including juvenile and adult probationers, the BOS should restructure the SIB.

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## **SPECIAL CONSIDERATIONS FOR SUPERVISION OF JUVENILE PROBATION**

### **8. Los Angeles County Needs a Strategic Plan for Juvenile Justice**

To address the current, siloed structure with multiple bodies looking at what probation is doing, we need a new, comprehensive strategic plan for juvenile justice in Los Angeles County. This plan must include collaboration and integration of all involved, and embody multiple, disparate disciplines. All stakeholders need to be represented at the table, including parents and family members of probationers. This plan would be in alignment with the new strategic plan for the County of Los Angeles.

### **9. Los Angeles County Needs a Juvenile Justice Commission**

Los Angeles County is the only county in California that does not have a juvenile justice commission. California WIC § 225 mandates there shall be a Juvenile Justice Commission in every county. There is a need for a commission to assume the responsibilities allocated to a juvenile justice commission under the WIC § 229. The Board of Supervisors should afford the new Oversight Commission the powers of a juvenile justice commission, in addition to other responsibilities and authority for adult and juvenile oversight. In other counties, a juvenile justice commission is established through the county ordinance. The structure should and could be changed in Los Angeles County so that we have one, as well.

**10. The Juvenile Reentry Council Should be Reinstated.**

The Juvenile Reentry Council was disbanded because Probation felt it was too much work to manage. There remains a critical need for it, however, and it should be reactivated.

**11. Probation's Treatment of "At Risk" Youth Requires Rigorous Oversight**

While many youth do need community-based services, Probation needs to improve its ability to identify and access appropriate services tailored to youth at different stages of their development. Research reveals it is imperative that counties are very careful about how we treat "at risk" youth so we do not inadvertently funnel more youth in the juvenile and criminal justice systems.<sup>1</sup> Stricter oversight over the way in which the Department "supervises" youth under WIC § 236 is sorely needed.

The Commission must provide oversight over the Probation Department's referral system, and ensure that it encompasses the full array of prevention as well as intervention and rehabilitation services needed. The Commission should pay special attention to provide oversight over the WIC § 236 youth and active investigation cases.

**12. Need for the Assumption of Duties of a Delinquency Prevention Commission**

There is a need for an oversight commission to assume the responsibilities allocated to a delinquency prevention commission pursuant to WIC § 233. The Board of Supervisors should afford the new Oversight Commission the powers of a delinquency prevention commission under WIC § 233, in addition to all other authority and responsibilities for juvenile and adult delinquency prevention activities, as allowed by law. Most counties in California have a delinquency prevention commission adjunct to their juvenile justice commissions.

**13. Juveniles Need Tailored Support from Prevention through Reentry**

There is a need for one case plan, including multi-disciplinary allied agencies, with a case manager to follow youth - from low risk youth to the most serious offenders – from prevention through reentry. This recommendation does *not*, however, suggest that probation officers should supervise youth receiving only prevention services, which the Working Group is concerned encourages net-widening. Rather, the Working Group recommends the Commission facilitate collaboration with community-based organizations and other agencies, when appropriate, to provide youth with prevention and early intervention services, and keep them out of the juvenile and criminal justice system, and off of probation.

**14. Special Protections for TAY**

There must be special protections for transition age youth (TAY) – ages 16 – 24 – within the Department. Such protection might come in the form of a special TAY division within the Department; or, inclusion of TAY in the juvenile division.

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<sup>1</sup> Add cite...

**15. Need for job readiness/training**

Vocational training and job readiness, preparation, and training should be prioritized and offered, especially to youth in the juvenile probation camps, and in partnership with community colleges for youth who are out of custody.

**16. Families/Relatives**

There needs to be greater work done to find extended relatives, relative caregivers, and kinship providers for youth who are frequently sent to juvenile hall for lack of a stable family situation. There is a failure to identify relatives and even fathers who might be available to care for a court-involved youth. There also should be family-centered access to all county services relative to successful rehabilitation and the prevention of recidivism.

**17. AB 216 Is Problematic for Confined Probation Youth**

The ability to graduate with fewer credits leads to probation youth completing their credits while in camp or the halls, before completing their term of confinement. As a result, youth are sitting around with nothing productive to do. These youth need to be engaged in educational enrichment, job training, and other productive learning opportunities to help prepare them for successful reentry.

**18. The pre-plea report system in Los Angeles County can be harmful to youth who have not yet been adjudicated, and might not belong on probation.**

We have heard a number of concerns about this practice, which is unique to Los Angeles County (and Riverside), and potentially impacts probation's caseload (and effectiveness). Because probation officers are tasked with writing these pre-plea reports, in lieu of disposition reports, they cannot obtain the full picture and all of the information that might be necessary and helpful for disposition and subsequent services. This practice merits careful review and reconsideration.

**19. Protection for Youth in Facilities**

The Probation Department should separate DRC adult and juvenile lobby entries, so children and youth do not have to comeingle with adults in the lobby areas.

**20. Special Protections for Uniquely Vulnerable Populations**

The Commission should pay special attention to the need to evaluate, assess, and afford special protections for crossover youth and LGBTQ youth. Staff should receive special training in the unique sensitive issues facing crossover and LGBTQ youth.

**SPECIAL CONSIDERATIONS FOR SUPERVISION OF ADULT PROBATION**

**21. Special Monitoring of Probation's Felony Supervision Caseloads**

Probation officers perform their duties individually or in teams, and supervise over 50,000 adults for felony offenses, many of whom suffer from mental health issues, substance abuse, gang affiliation, lengthy criminal histories, homelessness and/or



transience. These assignments afford probation officers significant autonomy, and some officers are armed, and assigned to multi-agency law enforcement task forces. The Probation Oversight Commission should take special care to monitor the hiring, training, policies, practices, and requisite qualifications for officers with these assignments.

## **22. AB 109/ Realignment Supervision**

As the lead agency for Post-Release Community Supervision, the Probation Department has sole responsibility for determining AB 109 eligibility, modifying risk levels, and determining the need for additional monitoring from law enforcement. AB 109 cases, which often include supervision and involvement from multiple agencies, organizations, and services, requires careful collaboration and cooperation. The Probation Officers assigned to supervise these cases are often armed.

AB 109 also authorizes “flash incarceration” at the local level for up to 10 days, which Los Angeles Probation has described as a “therapeutic” intervention.

The Oversight Commission should take care to provide careful scrutiny of the policies, procedures, training, protocols, and required interagency collaboration governing supervision of these assignments.

## **23. Proposition 36 Cases and Proposition 47**

The Probation Oversight Commission should monitor the department for procedural, staffing, and training changes in adult probation with respect to Prop 36 caseloads, to ensure compliance with changes mandated by Proposition 47.

## **24. Tailored Supervision for Graduated Risk Levels and Caseloads**

The Probation Oversight Commission should monitor the Probation Department’s policies and procedures with respect to supervision for the automated minimum services caseload; the “Medium Risk Offender” caseloads, and the “High Risk Offender” caseloads to ensure compliance with best practices, the availability of appropriately tailored resources and treatment, and to assess the rates of recidivism and success for each population.

## **25. Medium Risk and High Risk Narcotics Testing**

The Oversight Commission should monitor the procedures and practices governing the supervision of probationers with a court-ordered requirement to submit to random narcotic testing, and assess the availability of and need for greater substance abuse treatment and services.

## **26. Family Violence Caseloads**

These caseloads frequently have crossover with the Department Children and Family Services. The Oversight Commission should work to promote improved and effective collaboration with DCFS, and review policies and procedures to ensure Probation personnel have access to appropriate training and services for probationers under their supervision.

### **27. Domestic Violence Monitoring Unit**

This unit is critical to ensure that probationers receive the approved, state-mandated services required as a condition of their supervision. Similar to the Family Violence Unit, this area may have crossover with the Department Children and Family Services. The Oversight Commission should review policies and procedures to promote effective collaboration with DCFS, and the use of appropriate services and best practices in these cases.

### **28. Adult Gang Supervision**

The supervision of probationers assigned to this caseload often involve armed probation officers working as a team or in partnership with allied law enforcement agencies. The Oversight Commission should take special care to review the training, policies, procedures, and protocols for supervision of these cases.

### **29. Sex Registrant**

The Probation Oversight Commission should review policies, procedures, equipment and vendors (for GPS monitoring) to ensure best practices and equipment are used to protect the public and probationers.

## **CONSIDERATIONS FOR BOTH ADULT AND JUVENILE SUPERVISION**

### **30. Homelessness and Housing**

Homelessness and housing is a critical problem in Los Angeles County that can disproportionately affect youth and adults under probation supervision. Special training for DPOs and Probation supervisors in housing resources and opportunities, advocacy services, and sealing and expungement programs could make a critical difference. This area warrants ongoing monitoring by the Los Angeles County Civilian Probation Oversight Commission.

### **31. Substance abuse**

Substance abuse is a terrible threat to youth and adults in the juvenile and criminal justice systems. Probation must communicate and work in closer collaboration with substance abuse programs. On the juvenile side, it is unacceptable that a youth who tests dirty from probation can still graduate from a substance abuse program (which might test the youth at different times). Drug court in Los Angeles (which has been proven effective and exists in three of eight locations) provides services to youth under its jurisdiction. These services should be available to all youth on probation who struggling with substance abuse issues. Corresponding services for adults should be available for all adults under Probation supervision who are struggling with substance abuse issues. Probation should take care to educate and inform officers and probationers about the dangers of fatal, cheap drugs like “spice,” which are on the rise and have claimed the lives of an increasing number of youth and adults in its care. The Oversight Commission should monitor to ensure that programs and organizations receiving referrals from Probation for substance abuse treatment show fidelity to evidence-based and evidence-informed best practices, and that they are consistently evaluated.

### **32. Mental health services and counseling**

We need greater services for youth and adults who are deemed “not competent” to stand trial. The court cannot order mental health services for individuals who are not under the court’s jurisdiction. Mental health services, restorative justice services, and counseling should all be made available for those probationers.

### **33. Racial Equity**

Racial and ethnic disparities plague all aspects of the juvenile and criminal justice system. Education and training about racial bias (both implicit and explicit), as well as structured guidelines for decision-making can help ensure probation officers' decisions to charge a juvenile or adult for a probation violation are less susceptible to racial bias. The Probation Oversight Commission should take care to monitor the provision of ongoing training, education and guidelines, consistent with best practices and current research, that is specifically tailored to addressing racial and ethnic disparity within the Department.

## **Administration- Personnel Issues**

### **34. Background Checks**

Backgrounds should be compliant with the standards set forth in California Government Code sections and subsections of 1029, 1031, California Penal Code sections 830, 6035, 6036 and 13510.

While background investigations are confidential, the Probation Oversight Commission can and should carefully review the standards for hiring, procedures on how they are conducted, processed, evaluated, and stored.

### **35. Separate Clearance Process for VISTO**

There should be a separate clearance process for VISTO (volunteers and interns) from Human Resources Employment processing/clearance. At the same time, we have to take special precaution and measures to screen who can come in to facilities. (Ex: we have to ensure we don’t allow a pimp in to solicit girls, etc.)

### **36. Education and Training**

The education and training of probation officers and probation staff is critical to culture change, meeting established standards, and implementing best practices. Training should be ongoing, reflect best practices and current research, evidence, and advances in the field, and meet the legal mandates established by the California Board of State and Community Corrections (BSCC) and the California Commission on Peace Officer’s Standards and Training. (POST).<sup>2</sup>

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<sup>2</sup> These standards are established by BSCC and POST under the authority of California Penal Code Sections 6035, 6036 and 13503.

The Probation Oversight Commission should monitor and audit core training, specialized training, and in-service training.

### **37. IG for Probation Oversight Commission**

Although internal affairs investigations and resulting disciplinary actions must generally remain confidential, the Oversight Commission must have a mechanism to monitor employee performance, compliance with department policy and procedures, and adherence to the law.

The current mechanism is a monthly report by the Office of Independent Monitoring that provides a redacted synopsis of the type of misconduct and the resulting discipline. Unfortunately, this information tends to focus on those incidents handled by the Professional Standards Bureau and may not include lesser incidents handled at the Camp or Juvenile Hall level.

The current mechanism facilitated by the Office of Independent Monitoring, should be expanded to report monthly on all incidents founded and unfounded regardless of how minor. This would provide a source of information that may identify if policies or procedures need to be changed, if there is a climate or culture fostering the conduct or identify training issues.

There needs to be a centralized bureau that tracks all complaints, investigations and discipline. A computer program for tracking complaints and allegations should be implemented to identify any personnel with a pattern of misconduct.

The Working Group Recommends a Separate Inspector General for Probation, and does not Recommend Assigning this Responsibility to the IG charged with Oversight over the Sheriff's Department. Because the Sheriff is an Elected Office, the Board of Supervisors Does Not Have the Same Power Over that Department as it Does Over Probation, and thus should create an Inspector General's office exclusively for the new Probation Oversight Commission. Do not merge this office with the Inspector General for the Sheriff's Department. Give this office subpoena power and investigative power.

### **38. Records management**

Need for a comprehensive Records Management System to allow for accurate recording of all department reports, ease in tracking data, and an audit to reveal who is accessing data.

### **39. Recruitment**

The Department needs to develop a recruitment plan to attract candidates with the personalities, skills, and qualifications needed within the Department. The Department needs Probation Officer who are uniquely qualified to work with individuals and help

promote strengths and develop positive changes in their behavior, while also serving as law enforcement officers.

#### **40. Hiring**

The Oversight Commission should ensure that hiring practices reflect evidence-based standards and best practices in the field; meets Board of State and Community standards; meets Commission on Peace Officers Standards and Training peace officer standards; complies with all relevant legal mandates; and, meets the standards of the Probation Department and the County of Los Angeles.

## Recommendations are organized into 4 Key Categories:

- I. Merge, Replace, Reconfigure or Expand Existing Entities**
  - II. Identify Investigative, Monitoring & Enforcement Needs**
  - III. Determine Relationship of Juvenile & Adult**
  - IV. Define Commission Structure, Authority, Responsibilities**
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### **I. ANALYSIS OF CURRENT OVERSIGHT LANDSCAPE:**

#### **DETERMINE WHICH COMMISSIONS OR OVERSIGHT ENTITIES CAN BE MERGED, REPLACED, RECONFIGURED, OR EXPANDED**

##### **A. Sybil Brand**

We recommend that the Board of Supervisors sunset the Sybil Brand Commission's responsibility to oversee Probation Department functions. There is a clear need for ongoing, consistent reporting and monitoring of the Probation Department, and the Working Group feels it is important to unify Los Angeles County Probation Oversight efforts under one body. Under its configuration, the Sybil Brand Commission lacks the authority and capacity to provide that function. The Working Group believes there may be considerable overlap between role of Sybil Brand Commission and some of the potential responsibilities of the new Probation Oversight Commission.<sup>3</sup> We therefore recommend the Board of Supervisors sunset the role of the Sybil Brand Commission with respect to Probation Oversight. Doing so, or making any modification, will require a change to the Los Angeles County Code<sup>4</sup> as directed by the Board of Supervisors.

##### **B. Civil Grand Jury**

We recommend that their reports are not only submitted to the BOS, but also the new Commission, and then included in centralized database and distributed to all relevant stakeholders.

##### **C. Auditor-Controller's DOJ Project**

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<sup>3</sup> The Sheriffs Oversight Working group came to a similar conclusion, with which we concur. *See Report to the Los Angeles County Board of Supervisors from the Working Group Civilian Oversight Commission for the Los Angeles County Sheriff's Department:* <http://ceo.lacounty.gov/pdf/Final%20Report%206-22-15.pdf>

<sup>4</sup> *See* LA County Code, Chapter 2.82

The Working Group recommends that inspections of juvenile facilities must be conducted by individuals with the authority to make unannounced visits and talk with the youth. The working group believes there should be continued monitoring of the issues highlighted by the Auditor-Controller's DOJ Project, but that the Oversight Commission should assume this responsibility moving forward.<sup>5</sup>

#### **D. Probation Commission**

Alex to write this section....

#### **E. Ombudsman**

The Working Group recommends the ombudsman be moved out from under the Probation Department, placed in the IG's office, with staff and resources, and report directly to the Probation Oversight Commission.

## **II. IDENTIFY INVESTIGATIVE, MONITORING AND ENFORCEMENT NEEDS FOR PROBATION**

### **A. INSPECTIONS**

1. Currently, \_\_ Commissions are charged with inspecting \_\_ facilities \_\_ times per year. (Include Juvenile and Adult... ) There is a need to ensure through, consistent inspections and follow-up. That will require a robust, paid staff and resources. Also consider how to engage the judges in a more comprehensive way.
2. The Probation Commission is tasked with oversight with inspecting ALL of the juvenile facilities. WIC § 245 (*Discussion of two conflicting county counsel and state leg counsel opinions.*) Assign JJC responsibilities to the new Commission, pending a change to the WIC.
3. With respect to inspection of adult facilities, the Probation Commission is not charged with oversight of any custody facilities, just 2 DRCs, as well as supervision and investigation.
4. **The Oversight Commission Should Facilitate Coordination and Communication about Inspection Results.**  
Currently, when a Sybil Brand Commissioner conducts an inspection, and a Probation Commissioner conducts an inspection, the information and findings are currently rarely (or never) shared between commissions. The Oversight Commission should work to ensure that

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<sup>5</sup> The Working Group recommends a move to outcome-based reviews, and believes the new Commission should have the ability to work in consultation with the Auditor-Controller's office as necessary, especially where document review and a subsequent report is required.

all visits and inspections are coordinated; information is shared; and follow-up is conducted in a timely manner. Inspection results should be shared not only through written reports, but through regular, in-person meetings with and presentations to the Commission (and any other relevant entities). The Commission should establish a protocol to ensure timely follow-up with respect to all reported incidents.

**5. Multi-Disciplinary Teams Should Conduct Inspections of Facilities and Group Homes**

The Commission should ensure that interdisciplinary teams of people conduct inspections of facilities. For example, when a judge goes to inspect a juvenile high school, someone from LACOE should accompany him/her to help ensure appropriate educational questions are addressed. The Oversight Commission should help facilitate these interdisciplinary visits that include individuals from different agencies, disciplines, organizations, and existing oversight entities. All teams should include individuals and agency representatives authorized to make unannounced visits, and to speak with probationers. (When youth are interviewed, counsel should be notified in advance.) These multi-disciplinary teams should include representatives from community-based organizations that work directly the communities with the highest level of probation involvement. These teams should also include individuals trained to speak and communicate with youth who have been exposed to trauma to ensure a level of comfort and promote effective and safe communication.

**III. DETERMINE WHETHER OVERSIGHT FOR JUVENILE AND ADULT SHOULD BE SEPARATED OR MERGED, AND HOW IT SHOULD BE STRUCTURED.**

**A. Recommendation as to whether oversight is needed to assess juvenile and adult probation operations collectively as a whole or separately.**

The Working Group unanimously agrees there is a need for oversight of both juvenile and adult probation. We believe there should be one single Oversight Commission that include staff members with subject matter expertise in both areas (adult and juvenile).

**B. Recommendation to Split the Department**

The Working Group believes that the ideal scenario would be to split the Probation Department into two separate adult and juvenile departments. If that option is not financially or otherwise feasible, the Working Group recommends that, at a minimum, the Probation Department should include two separate divisions for both adult and juvenile. We further believe the juvenile division should adhere to a youth development model, and include TAY.



## **IV. STRUCTURE, AUTHORITY AND RESPONSIBILITY OF THE NEW COMMISSION**

### **A. AUTHORITY OF THE COMMISSION**

#### **1. The Oversight Commission Must Have Resources**

A permanent civil oversight commission should be an independent body with sufficient resources, staff, and support to be effective and have the ability to get things done, including an Executive Director, professional staff, and dedicated office space. The Commission Office should not be located within the Probation Department. Oversight Commissioners should receive a stipend, and be compensated for their time and work.

#### **2. The Oversight Commission Must Have the Authority to Ensure Compliance and Accountability**

The Oversight Commission must have the legal authority and a meaningful enforcement mechanism to hold the Probation Department accountable. Such authority might include the ability to require a response from the Chief Probation Officer or designee on an action, report, or corrective measure within a reasonable period of time. The Commission also needs the ability to respond in a timely fashion (or generate a timely response from the appropriate party) to concerns and issues raised.<sup>6</sup>

#### **3. Capacity for Budget Oversight**

The Probation Department shall provide the Oversight Commission an opportunity to review, revise, and recommend adoption of the Department's proposed budget during the budget process. The Probation Department shall provide a baseline reflecting prior year actuals and the Adopted Budget, at an Oversight Commission meeting in October of each year. The Oversight Commission shall submit its recommendations to the Probation Department in November. The Probation Department shall consider these recommendations in the development of the proposed budget and shall provide an overview at an Oversight Commission meeting prior to its submission to the Chief Executive Office for consideration in their development of the Recommended Budget to the Board of Supervisors. The Oversight Commission will have additional formal opportunities to make edits and propose alternative budget recommendations to the Board of Supervisors during the Board's consideration of the Recommended budget in April, during Public Hearings in May, during Budget Deliberations in June, and during the Supplemental Budget in September/October.

#### **4. Placement of the Juvenile Justice Coordinating Council (JJCC)**

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<sup>6</sup> *Note:* County Counsel to review county, charter ordinances ...

The Working Group recommends removal of the Juvenile Justice Coordinating Council (JJCC) from under the CCJCC. Instead, the Working Group recommends that the JJCC report directly to the Probation Oversight Commission. Under this new structure, the Oversight Commission shall provide rigorous oversight over JJCPA funding and budget policies and proposals.

**5. Oversight of JJCPA funding**

As part of its budgetary oversight responsibilities, the Commission should ensure that JJCPA money is used to provide youth with pre-dispo services as soon as possible to prevent removal from the home and entry / deeper entry into the juvenile justice system. The Commission should also review the number of youth in juvenile hall who should not be there, and who should instead be benefitting from community-based services supported by JJCPA funds.

**6. To the Extent Legally Permissible by Law, the Oversight Commission Must Have Access to Complete Files to Conduct Its Oversight Work.**

A single person's report does not paint the entire picture. Commissioners and teams conducting oversight must be able to assess issues that involve multiple agencies (e.g., probation, education, mental health, etc.), and gather information to collect data and look for trends. The Juvenile Court should also be included and play a greater role in juvenile probation oversight. To avoid any conflict, a juvenile court judge might participate in an advisory fashion, rather than as an appointed member. To ensure protection of privacy issues and compliance with privacy laws and regulations, identifying information may be redacted in files prior to submission to the Oversight Commission.

**7. The Board of Supervisors Should Afford the New Oversight Commission the Powers of a Juvenile Justice Commission**

The Working Group recommends that the Board of Supervisors afford the Probation Oversight Commission the powers of a juvenile justice commission, pursuant to WIC § 229, in addition to all other responsibilities and authority for adult and juvenile oversight, as permitted by law.

**8. The Board of Supervisors Should afford the New Oversight Commission the powers of a Delinquency Prevention Commission**

The Working Group recommends that the Board of Supervisors afford the Probation Oversight Commission the powers of a Delinquency Prevention Commission, pursuant to WIC § 233, in addition to all other responsibilities and authority for adult and juvenile prevention activities, as permitted by law.

**B. RESPONSIBILITIES OF THE COMMISSION**

**1. The Oversight Commission Should be a Voting Member of CCJCC**

The Working Group recommends that the existing Probation Commission become part of the new Probation Oversight Commission, and retain a vote as a member of the Countywide Criminal Justice Coordination Committee (CCJCC). Currently, the Probation Commission is a voting member of the CCJCC because of its responsibilities as: (1) an advisor to the Chief Probation Officer; (2) a conduit of communication between the Board of Supervisors and the community on matters of interest regarding the criminal justice system and probation; (3) a monitor of the concerns of other agencies and the public as it relates to Probation Department operations, best practices, and the implementation of laws such as JJCPA, AB109, and Prop 47.

If the Probation Commission is subsumed into the new Civilian Probation Oversight Commission, the working group recommends that the new Commission become a voting member of the CCJCC.

Alternatively, if the existing Probation Commission is retained in some capacity, the working group recommends that the new Probation Oversight Commission become a voting a voting member of the CCJCC.

There are currently 59 members on the CCJCC, and the CCJCC, by majority vote, has the authority to add to or subtract from its membership. This Probation Oversight Commission Working Group urges it to use its authority to grant membership to the new Commission.

**2. Oversight Over Hiring, Training, and Evaluation**

The Commission should have oversight over hiring, training, and promotion practices of staff, and should audit and monitor training. The Commission should also have the authority to make recommendations regarding staffing, training practice, and evaluation issues.

**3. Oversight Over Resource Allocation, Facilities Management, and Population Needs Assessment**

The Commission should have responsibility for ongoing assessment of how resources (for facilities, programming, etc.) should be allocated based on population size and needs. (e.g., if detained populations are low, superfluous facilities should be closed... etc.) The Commission should advise the Board of Supervisors about the human and budget costs of resource allocation, current population needs assessment, and existing facility capacity.

**4. Oversight Over Treatment of “At Risk” Youth**

The Commission should provide/ensure rigorous oversight over the treatment of “at risk” youth to avoid net-widening, and deeper entry into the juvenile and criminal justice systems. The literature suggests we must be very careful about how we treat “at risk” youth so we do not

inadvertently funnel more youth into the juvenile and criminal justice systems.<sup>7</sup> While many youth do need community-based services, Probation needs to improve its ability to identify and access appropriate services tailored to youth at different stages of their development. The Commission must also take care to ensure oversight over the Probation Department's referral system, and ensure that it encompasses the full array of *prevention* as well as intervention and rehabilitation services needed. The Commission should pay special attention to provide oversight over the 236 and active investigation cases. "At-risk" populations should be diverted away from probation. Diversion practices and resources should be focused entirely in the community. The Commission should facilitate the development of, and ensure the Department utilizes, a comprehensive, evidence-informed process for determining when a youth would benefit from community-based services as opposed to probation supervision. The Commission should help ensure adequate oversight over the use of assessments and screening tools, to ensure they are connected, consistent with best practices, and that recommendations are properly implemented. The Commission should regularly review the Probation Department's use of assessment and screening tools to ensure they remain current and consistent with best practices.

**5. Oversight over Reentry Services**

The Commission should work to ensure greater oversight over Probation's use of community-based services, for prevention services as well as for probationers upon reentry. The Commission should provide strict oversight over the Probation Department's RFP process, and ensure the Department contracts with community-based services that are proven effective and adhere to best practices. The Commission should ensure that the Probation Department provides a regular report to the Commission with respect to quality assurance, outcomes, and compliance with contractual obligations for community-based and any other organizations that contract with Probation to provide reentry services.

**6. Capital Improvements**

Capital Improvements should be included as a part of ongoing oversight. The Commission should review all capital improvement projects prior to their submission to the Board of Supervisors for budget approval. The Commission should monitor to ensure that the Probation Department develop a long-term capital improvement plan.

**7. Policy Recommendations**

The Commission should have authority to make policy recommendations regarding the findings in this report, and other issues brought to the attention of the Commission.

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<sup>7</sup> get cite....

**8. Maintain a “Live” and Current Database – an info Clearinghouse**

The Commission should maintain an active website, that includes a live database to house all reports; status updates on recommendations and follow-up. This database should include links to the various reports and be available and easily accessible by the public, county departments, citizen oversight entities, advocacy groups, etc. to promote transparency and facilitate monitoring and oversight. This Commission should then streamline the flow of information, reports, and recommendations into a comprehensive system that addresses and responds to concerns.

**9. Data**

The Commission should insure the Probation Department is – and has relevant system capabilities to collect relevant data/information and produce analysis and reports in an efficient manner. The Commission should issue requests for researchers, and oversee the selection process, and oversee results to ensure independence and transparency. Commission should ensure data is collected, analyzed and released on Probation’s population, progress, discipline, complaints, and use of force. The Commission should also ensure data is collected and released on key measures of progress, consistent with the Department’s new strategic plan, and recidivism rates.

**10. Strengthen the Partnership Between LACOE and Probation**

The Oversight Commission should take special care to clarify the role between Probation and LACOE, and help ensure coordination and an effective process for the two agencies to work together, share information, and report regularly (to one another and to the Commission) about the educational progress of probationers. The Senior Director of Education Services in the Los Angeles County Probation Department, should report directly to the Chief Probation Officers, as originally designated when the position was established. The Chief Probation Officer and the Superintendent of LACOE should work together on comprehensive education reform. The community college district should be intentionally included in this collaboration, and in a revised reporting structure, as well. The increased collaboration between LACOE and Probation should include ongoing input from LACOE teachers working in juvenile camps and halls, as well as probation officers. A regular roundtable discussion/meeting should be established in order to address any issues that come up in effort to enhance greater collaboration between these two entities, which is essential for youth in the system.

**C. STRUCTURE OF OVERSIGHT COMMISSION**

**1. Need for an Independent Civil Probation Oversight Commission**

The Oversight Commission should be completely independent from Probation and all other county departments. This Commission should be interdisciplinary, and have the ability to influence policy. It must be autonomous, and have the requisite support and personnel to operate independently and effectively, including a healthy budget, its own office (ideally close in location to the Hall of Administration), staff, tech support for an interactive database, etc.).

## **2. Recommendation re Separate Oversight Commissions**

The Working Group recommends that there be one Probation Oversight Commission with separate subcommittees for Juvenile Probation and Adult Probation. (Note: this recommendation might? require legislative changes in the Welfare and Institutions Code, as well as the county charter.)

## **3. Oversight Should be Divided into two areas: (1) Monitoring and (2) Practice, Development, and Accountability**

A monitoring subgroup of the Oversight Commission could oversee both adult and juvenile monitoring. If this monitoring group discovers any policy violation, it will serve as the ethical group to review, assess, and make a determination. A separate group for practice, development, and accountability, however, should be divided into adult and juvenile divisions. The juvenile subgroup should be well-informed and understand the research and literature around juvenile justice, and partner with Probation to help make the department more responsive to the unique needs of juveniles. The adult division of the practice, development and accountability subgroup will serve the same role for the adult probation population.

## **4. Reporting Authority**

The Oversight Commission should report back directly to the Board of Supervisors. If, after corrective actions are recommended (or directed), deficiencies continue or Probation shows a lack of responsiveness, this entity will have direct access to the BOS.

# **D. COMPOSITION AND QUALIFICATIONS OF THE OVERSIGHT COMMISSION**

## **1. Inclusion of the Courts in Oversight (Adult and Juvenile)**

In the spirit of collaboration and integration, the Courts need to be included in an ongoing and meaningful way as part of all Probation oversight efforts. Courts are currently removed from oversight of Probation. Los Angeles County is an outlier in that respect – we are the only county in the state where courts are not duly authorized body for oversight. Inclusion of judges in the oversight commission can begin to remedy that void.

## **2. There Must be Community Involvement in Oversight.**

Community-based organizations that serve probationers have tremendous expertise and ideas, and must be invited to the table to help weigh in on the oversight process and recommendations for reform. The CBOs must also be held

accountable with respect to the services they provide. CBO representation should be included on the Oversight Commission, and in the discussion about the standards to which CBOs must be held accountable. The Commission should include system-impacted individuals, particularly those with direct experience of being under probation supervision/custody. The Commission should also hold regular community hearings, in evenings after work, in all five supervisorial districts, so that members of the community will be able to attend and participate.

### **3. Oversight Must Include the Voices of Families, Guardians, and Kin**

The Oversight Commission should work to ensure the inclusion of direct feedback from family members and guardians of youth in the system. Family members and guardians do not currently have an open, in-person forum in which they can provide feedback or concerns they have regarding Probation (put in findings). The Oversight Commission should work proactively to ensure the voices of family members and guardians are heard (i.e., providing ample notice of meetings, making transportation available, holding meetings at convenient times and locations for family members, etc.).

### **4. DCFS and the Department of Mental Health Should be Included in Collaborative Oversight Discussions**

The Commission should work to facilitate improved collaboration between and among the departments, and to bring mental health into the discussion. There are too many cases involving crossover youth and youth with mental health issues where everyone thinks someone else (a different department) is handling an issue. As a result, critical needs go unaddressed.

### **5. Role of the Ombudsman**

The Ombudsman should be included as part of the Probation Oversight Commission, and be made completely independent of the Probation Department. Currently, when the Ombudsman makes recommendations, they appear to fall into a “black hole.” We need a thorough fiscal analysis to assess the feasibility of a new staffing structure to support the Ombudsman, and ensure that s/he has the requisite support to follow up on grievances, and that her or his recommendations are carried out.

### **6. Independent IG Office for Probation Oversight Commission**

The Working Group Recommends a Separate Inspector General for Probation, and does not Recommend Assigning this Responsibility to the IG charged with Oversight over the Sheriff’s Department. Because the Sheriff is an Elected Office, the Board of Supervisors Does Not Have the Same Power Over that Department as it Does Over Probation. Create an Inspector General’s office exclusively for the new Probation Oversight Commission. Do not merge this office with the Inspector General for the Sheriff’s Department. Give this office subpoena power and investigative power.

### **7. Qualifications of Oversight Commissioners**

Oversight Commissioners should have background and experience in a variety of disciplines, including Probation, Rehabilitation, Mental Health, Public Health, Education, Health Care, Social Work, Facilities, Law Enforcement. This body should be an interdisciplinary one, and should reflect and possess an understanding of the needs of the communities that interact with the Probation Department the most.

Specifically, the Working Group recommends that the Composition of the Commission include the following:

1. Eleven Commissioners shall include the following representation:
  - i. Health care / Mental health
  - ii. Law enforcement or Probation separated by at least 12 months
  - iii. Formerly Incarcerated person and/or under supervision or custody within the Probation system
  - iv. Family member of formerly incarcerated person and / or under supervision
  - v. Educator.... juvenile court school and adult education and / or community college experience
  - vi. Judiciary ... former adult
  - vii. Judiciary ... former juvenile court judge
  - viii. Academic subject matter expert in Probation Criminal justice issues - researcher
  - ix. Juvenile Justice expert - advocate or community organizer
  - x. Substance abuse expert
  - xi. Community-based organization / advocate / civil rights community leader (including restorative justice, faith-based)
2. Diversity and Cultural Representation on the Commission  
Commissioners shall reflect diversity within the community, and shall include a mix of racial and ethnic diversity, gender diversity, LGBTQ representation,

#### **E. Appointment Process**

The Board of Supervisors appoints 5 commissioners, after which an independent consultant narrows down remaining candidates, and gives those to the justice deputies who approve 4 more commissioners. Then the body of nine commissioners selects 2 more, for a total of 11 commissioners on the POC.